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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,646	01/17/2001	Li Wei	10,896	3448

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EXAMINER

CHANG, RICHARD

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/760,646	WEI, LI
Examiner	Richard Chang	Art Unit 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 January 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) 1-3 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 and 2 are objected to because of the following informalities:

Regarding to Claim 1, the term of subject matter “output FIFO” has not been taught by the applicant as described in the specification wherein the specification only discloses the term of subject matter “receiver FIFO”. Appropriate correction is required.

For further examination, examiner currently interprets term “output FIFO” in claim 1 as “receiver FIFO” in the detailed specification.

Regarding to Claim 2, the equations and the logic statements in claims appear to be a direct copy from the program code lines. They are not in English completely. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 5,790,538 (“Sugar et al”) in view of U.S. Patent No. 5,668,841 (“Haskell et al”).

Regarding claim 1, Sugar et al teach a method for voice playout in an asynchronous packet network (method for correcting the clock ... in packets over a network) comprising steps of receive in packet data streams before playout to remove timing jitter

from the incoming packet sequence (placing said video packets in an output FIFO memory), removing the received packet in the Voice using a phase continuous packet clock generated by Clock Recovery Module 10 (outputting data from ... rate that is adjustable), using the fill status of the Voice Codeword FIFO 2 as a frequency control signal (filtering the level of data ... average level and a previous average level) (Fig.1, Col 5, line 53-67), and periodically monitoring the fill status of the Voice Codeword FIFO 2 to adjust the bit rate (changing said adjustable clock rate ... towards a predetermined target level (Fig.4, Col 7, line 49-67).

Sugar et al disclose substantially all the claimed invention but did not disclose expressly the particular application involving a digital video data stream transmitted in packets over a network.

Haskell et al teach a method for timing recovery for variable bit-rate video on asynchronous transfer mode (ATM) networks (a method of clock mismatch control for a digital video data stream transmitted in packets over a network) comprising steps of using the instantaneous fullness of video data buffer 202 is used to modulate the value of jitter delay (changing said adjustable clock rate ... towards a predetermined target level (Fig.6, Col 7, line 61 to Col. 8, line 18).

A person of ordinary skill in the art would have been motivated to employ Haskell et al in Sugar et al in order to obtain a method of clock mismatch control and drift compensation for a digital video data stream transmitted in packets over a network and to take advantage of adjusting clock rate using the status of FIFO fill level status specified in claim 1.

The suggestion/motivation to do so would have been to accommodate a method of clock mismatch control and drift compensation for a digital video data stream transmitted in packets over a network and to take advantage of adjusting clock rate using the status of FIFO fill level status. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Haskell et al with Sugar et al to obtain the inventions specified in claim 1.

Allowable Subject Matter

5. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is 703-605-4398. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Chang
Patent Examiner
Art Unit 2663

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